

To: Goodin, John[Goodin.John@epa.gov]
From: John Goodin
Sent: Mon 9/30/2013 9:27:09 PM
Subject: Fw: Requesting review by COB today--Fw: Revised Draft Response Letter - Environmental Justice Concern of the Kalispel Tribe - OGC Review
[ATTIUXN3.docx](#)
[Kalispel Tribe of Indians - Case Response Letter - Draft 12-19-12.docx](#)
[Att. 4.pdf](#)
[Kalispel Tribe of Indians - Case Response Letter - Draft 12-19-12.js.docx](#)
[Kalispel Tribe's TMDL Concerns 3 13 12.pdf](#)
[EJ Concern of the Kalispel Tribe 12 6 12.pdf](#)
[Pend Oreille River Temperature TMDL Comments of the Kalispel Tribe 12 5 12.pdf](#)

202-566-1373

----- Forwarded by John Goodin/DC/USEPA/US on 09/30/2013 05:26 PM -----

From: Simma Kupchan/DC/USEPA/US
To: Jessica Scott/DC/USEPA/US@EPA, John Goodin/DC/USEPA/US@EPA, Chris Lewicki/DC/USEPA/US@EPA
Cc: Peter Ford/DC/USEPA/US@EPA
Date: 12/19/2012 01:58 PM
Subject: Re: Requesting review by COB today--Fw: Revised Draft Response Letter - Environmental Justice Concern of the Kalispel Tribe - OGC Review

Jessica,

I have no concerns with this letter. John Goodin is cc'd in this letter, but I am cc'ing him and Chris Lewicki from OWOW here as well to make sure they are following this issue.

(See attached file: Kalispel Tribe of Indians - Case Response Letter - Draft 12-19-12.js.docx)

John and Chris,

I assume you are engaged on this, or Region 10 TMDL staff is. Please let me know if you could use further help on this from OGC. Thanks.

Here they are.

Thanks,

Jessica Scott
Attorney Advisor
US Environmental Protection Agency, Office of General Counsel
Cross-Cutting Issues Law Office
1200 Pennsylvania Avenue, NW
Room 7449E-2, Mailcode 2322A
Washington, D.C. 20460 (use zip code 20004 for non-USPS couriers)
202-564-3314 (phone)

202-564-5541 (fax)

----- Forwarded by Danny Gogal/DC/USEPA/US on 12/19/2012 11:58 AM -----

From: Heather Case/DC/USEPA/US
To: Tayoka Hall/DC/USEPA/US@EPA
Cc: Kent Benjamin/DC/USEPA/US@EPA, Danny Gogal/DC/USEPA/US@EPA, Mustafa Ali/DC/USEPA/US@EPA
Date: 12/10/2012 11:16 AM
Subject: For CMS: Environmental Justice Concern of the Kalispel Tribe

Dear Tayoka,

Please enter the following letters into CMS with an appropriate due date.

The OEJ lead for preparing a response will be Danny Gogal.

Thank you.

Heather Anne Case, MPH, MBA
Acting Director
USEPA, Office of Environmental Justice
Office of Enforcement & Compliance Assurance
Voice Phone: 202 564 2602
Cell Phone: 202 262 5980

----- Forwarded by Heather Case/DC/USEPA/US on 12/10/2012 11:13 AM -----

From: Zach Welcker <ZWelcker@kalispeltribe.com>
To: Heather Case/DC/USEPA/US@EPA, Kent Benjamin/DC/USEPA/US@EPA, Running Grass/R10/USEPA/US@EPA, JoAnn Chase/DC/USEPA/US@EPA, Group Oiainternet-Comments@EPA
Cc: Sarah Furtak/DC/USEPA/US@EPA, David Croxton/R10/USEPA/US@EPA, Jim Zokan/R10/USEPA/US@EPA, Deane Osterman <dosterman@kalispeltribe.com>, phil katzen <pkatzen@kanjikatzen.com>
Date: 12/06/2012 07:51 PM
Subject: Environmental Justice Concern of the Kalispel Tribe

Dear Acting Director Chase:

Please find attached a letter from Deane Osterman, Executive Director of the Kalispel Tribe Natural Resources Department, regarding an important environmental justice issue currently facing the Tribe. Two supporting documents are also attached. I would be happy to send along the documents cited in the 3/13 and 12/5 letters if that would be helpful.

Your confirmation of receipt and prompt response would be greatly appreciated.

2013-13100004922

Respectfully,

Zach Welcker
Senior Policy Analyst
Kalispel Tribe of Indians
(509) 447-7448 (office)
(509) 671-5633 (cell)

(See attached file: EJ Concern of the Kalispel Tribe 12 6 12.pdf)(See attached file: Kalispel Tribe's TMDL Concerns 3_13_12.pdf)(See attached file: Pend Oreille River Temperature TMDL Comments of the Kalispel Tribe 12 5 12.pdf)(See attached file: Att. 4.pdf)

Simma A. Kupchan
Water Law Office
EPA Office of General Counsel
Ariel Rios North, Room 7313A
(202) 564-3105

▼ Inactive hide details for Jessica Scott---12/19/2012 12:30:10 PM---Hi to you both, I'm forwarding this letter to you both as thJessica Scott---12/19/2012 12:30:10 PM---Hi to you both, I'm forwarding this letter to you both as the EJ contact and tribal contact in WLO.

From: Jessica Scott/DC/USEPA/US
To: Simma Kupchan/DC/USEPA/US@EPA, Peter Ford/DC/USEPA/US@EPA
Date: 12/19/2012 12:30 PM
Subject: Requesting review by COB today--Fw: Revised Draft Response Letter - Environmental Justice Concern of the Kalispel Tribe - OGC Review

Hi to you both,

I'm forwarding this letter to you both as the EJ contact and tribal contact in WLO.

This is a draft response letter from OEJ in response to some environmental justice concerns raised by the Kalispel Tribe. OEJ is requesting OGC review by COB today. As the letter raises concerns about a Washington State proposed TMDL, I wanted to be sure to give WLO the chance to look at it, but I'll note that I haven't identified any legal concerns.

(See attached file: Kalispel Tribe of Indians - Case Response Letter - Draft 12-19-12.js.docx)

I'll send you the incoming documents from the Tribe that precipitated this response shortly.

Thank you,

Jessica Scott
Attorney Advisor
US Environmental Protection Agency, Office of General Counsel
Cross-Cutting Issues Law Office
1200 Pennsylvania Avenue, NW
Room 7449E-2, Mailcode 2322A
Washington, D.C. 20460 (use zip code 20004 for non-USPS couriers)
202-564-3314 (phone)
202-564-5541 (fax)

----- Forwarded by Jessica Scott/DC/USEPA/US on 12/19/2012 12:26 PM -----

From: Danny Gogal/DC/USEPA/US
To: Danny Gogal/DC/USEPA/US@EPA
Cc: "Dona Harris" <harris.dona@epa.gov>, "Jessica Scott" <Scott.Jessica@epamail.epa.gov>, Tayoka Hall/DC/USEPA/US@EPA, Kent Benjamin/DC/USEPA/US@EPA
Date: 12/19/2012 11:57 AM
Subject: Revised Draft Response Letter - Environmental Justice Concern of the Kalispel Tribe - OGC Review

Jessica,

Please review this draft. Since I will be on leave, please respond to all. I have asked Tayoka Hall to make changes based on your edits.

Thank you,

Danny

(See attached file: Kalispel Tribe of Indians - Case Response Letter - Draft 12-19-12.docx)

Daniel E. Gogal
Senior Environmental Protection Specialist
Tribal Program Manager
Co-Designated Federal Officer, Indigenous Peoples Work Group/NEJAC

Office of Environmental Justice, EPA
MC (2201-A)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-2576, (202) 501-0740 - Fax